

REMARKS

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with Markings to Show Changes Made".

This amendment is in response to the action dated February 27, 2002. In that action, the examiner rejected claims 1-9 under 35 U.S.C. §103 as unpatentable over Hill or Austin in view of Noda or Sugata or Arai et al. Reconsideration of the examiner's rejection of the claims in view of the following remarks and amended claim 1 is respectfully requested.

As set forth in the previous amendment, applicant's invention is designed for use with a spiral saw power tool, which is a hand-held power tool. In the use of such a power tool, a great amount of dust is generated. An efficient dust collector is important for proper operation of the tool. The attachment portion of the present invention provides a dust collection capability and also controls the depth of the cut of the spiral saw, as it is structurally adapted to abut the surface of the workpiece as the operator moves the saw along the workpiece to produce the desired cut. The forward edge of the attachment portion is adapted to permit a sliding contact with the abutting surface of the workpiece. This arrangement not only captures the dust efficiently produced by the action of the saw, but produces accurate cutting depth control for the saw, in effect acting as a stop for the tool. Further, the interior diameter of the forward edge of the attachment is significantly greater than the size of the saw, so that the dust produced by the saw can be collected without clogging the opening between the attachment portion and the saw.

As argued in the previous amendment and apparently accepted by the examiner, applicant's device is patentable over the Hill or Austin references alone. The examiner cited the references to Sugata, Noda and Arai relative to the differences between previous claim 1 and the Hill or Austin references. Note, however, that those three references are all directed toward shields for high-speed milling operations. Milling machines are large, stationary, mechanical devices, typically numerically controlled; the shields are used to collect chips from the milling process, rather than dust. All three shield elements are designed to be

positioned away from the surface of the workpiece. They are not designed to be in contact with the workpiece and do not slide along the surface of the workpiece. Further, the edge of each shield is relatively close to its associated cutter, so as to efficiently capture chips, as opposed to dust, which are two quite different collection challenges.

Applicant's attachment, on the other hand, is for a hand-held tool in which the forward end of the attachment is specifically adapted for contact with the workpiece. This enables the attachment to efficiently capture the large amount of dust generated by the saw. Further, it controls the depth of the saw cut, acting as a stop for the depth of cut. None of the references teach a structure which has that physical capability. The reference devices may be efficient at capturing chips produced by a milling machine, but would not be good at capturing dust, which is a fundamental purpose of applicant's device. Applicant's attachment has a forward edge which is adapted for contact with the workpiece. There is also a substantial opening between the forward edge of the attachment and the tool, permitting dust to be readily sucked back into the attachment. All of this aids in dust collection. The Noda, Sugata and Arai devices are not capable of accomplishing significant dust collection. They do not have the particular physical characteristics set out in Claim 1. The reference shields would result in dust not being collected (it would blow out in the space between the workpiece and the shield, and dust would quickly clog the narrow region between the shield and the tool. Further, the reference shields are not structured to act as a depth control, i.e. a stop, for the milling cutters.

Accordingly, there are significant differences between the structure of amended claim 1 and the combination of references cited by the examiner. Allowance of claim 1 is thus respectfully requested. Since claims 2-9 are dependent upon claim 1, those claims are also allowable.

In view of the above, allowance of the application is respectfully requested.

The Commissioner is authorized to charge any fees or deficiencies or credits to Deposit Account 07-1900.

Respectfully submitted,
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Enclosures: Postcard, Claims sheet

CLEAN VERSION OF AMENDMENT WITH CHANGES

The following claim has been amended:

1. (twice amended) An attachment for a hand-held spiral saw power tool, comprising:

a first rigid attachment portion, adapted to be secured to a forward portion of a hand-held spiral saw power tool in which a spiral saw bit is mountable, wherein the first attachment portion is structured and adapted to permit the first attachment portion to be secured to the forward portion of the power tool at various selected longitudinal positions therealong, so that when the first attachment portion is in a selected position on the power tool, the tip of a cutting portion of the spiral saw bit extends beyond the forward end of the first attachment portion by a distance at least equal to that of the thickness of the workpiece to be cut by the spiral saw, wherein the attachment portion is further adapted to permit a moving contact between a forward edge of the first attachment portion and an abutting surface of the workpiece to be cut by the spiral saw, and wherein the attachment portion has an interior diameter at its forward end which is significantly greater than the diameter of the spiral saw and wherein the forward edge of the attachment portion controls the depth of cut of the spiral saw and acts as a stop for the spiral saw when the forward edge of the attachment portion abuts the surface of the workpiece; and

a dust exit member communicating with the interior of the first attachment portion, said dust exit member extending away from a side surface of the first attachment portion, wherein dust generated during use of the tool is substantially collected within the first attachment portion and then moved out from the interior thereof through the dust exit member by a vacuum device connectable to the dust exit member, such that dust can continue to collect within the attachment portion without affecting the operation of the tool.